



**MINUTES
SCOTTSDALE PLANNING COMMISSION
REMOTE SITE HEARING FOR GENERAL PLAN REVIEW
SCOTTSDALE WATER CAMPUS
8787 E. HUALAPIA DRIVE
AUGUST 20, 2003**

PRESENT: Steve Steinberg, Vice Chairman
David Barnett, Commissioner
James Heitel, Commissioner
Eric Hess, Commissioner
Tony Nelssen, Commissioner
Jeffery Schwartz, Commissioner

ABSENT: David Gulino, Chairman

STAFF: Pat Boomsma
Tim Curtis
Dennis Enriquez
Randy Grant
Teresa Huish
Kurt Jones
Al Ward

CALL TO ORDER

The regular meeting of the Scottsdale Planning Commission was called to order by Vice Chairman Steinberg at 5:15 p.m.

ROLL CALL

A formal roll call confirmed members present as stated above.

ADMINISTRATIVE REPORT

MR. GRANT reported on the status of the Environmentally Sensitive Lands Ordinance.

APPROVED

OPENING STATEMENT

COMMISSIONER HEITEL read the opening statement, which describes the role of the Planning Commission and the procedures used in conducting this meeting.

REVIEW OF MINUTES OF PAST MEETINGS

June 25, 2003
July 9, 2003

MR. GRANT stated the Commission does not need to act on the minutes. If the Commission has any corrections they will be corrected and presented to the Commission at the next meeting for approval.

(No corrections to the minutes were requested.)

REGULAR AGENDA

2-GP-2003 (Cattletrack Ranch) request by Earl Curley & Lagarde P C, applicant, Diann Henderson & Alexander Zink, owners, for a General Plan Amendment from Rural Neighborhoods to Suburban Neighborhoods and from Rural Character to Suburban Character on a 5.5 +/- acre parcel located at the southwest corner of Cattletrack and Lincoln Drive.

MS. HUISH presented the General Plan Amendment portion of the case in fulfillment of the State legislation for remote hearings. The second Planning Commission hearing for this application is scheduled for September 10, 2003. There will be no Commission action taken on this item.

MICHELLE HAMMOND, Earl, Curley & Lagarde, 3101 N. Central Avenue, Phoenix, AZ, stated she is here on behalf of Lynne Lagarde who is on vacation. She stated they are representing Diann Henderson and Alexander Zink on this property. The General Plan amendment is being requested so that Diann Henderson can develop this piece along with Alex Zink's property. They would like to create a quality residential community on this problematic corner. She further stated the corner of Cattle Track and Lincoln is heavily traveled and therefore has not attracted investment in the neighborhood.

Ms. Hammond stated they agree with a lot of the points in the staff outline. She discussed the definition of suburban character as identified in the staff report stating they agree with all of the points and felt this property has all those points.

Ms. Hammond reviewed the plans for this property and discussed how the plan would benefit the area. She remarked they agree with staff that the existing rural neighborhood should be protected from higher density. They felt strongly that this application is achieving that goal.

Ms. Hammond concluded they agree this area is unique and should maintain its character. Several elements effect the stability of the neighborhood including the traffic, the density and nearby commercial properties. They have to look at the bigger picture.

APPROVED

All of these conditions led to the request before them tonight. She stated that Diann and Alex have not arrived at this request hastily and Ms. Henderson has lived adjacent to this property for over 30 years and has seen the slow decline of this piece. The edge needs to be addressed to protect the neighborhood. She added they felt this application is an important part of providing stability to the neighborhood.

COMMISSIONER NELSEN requested the Applicant address the concern stated in the petition. He also requested why they felt that this property failed to attract investment. He inquired if the reason investment on this property was unattractive was because of the inflated price of the property. Ms. Hammond stated the concern in the petition regarding the CC&R issue has been dealt with. She further stated the reason the property has failed one there is sizable amount of traffic on Lincoln and Cattletrack. The other reason is that there is nearby commercial and there is a lot of cut through traffic. There are a variety of different residential densities and all of the things have eroded this edge. They would like to sew it up, and make it something quality that would present opportunity for the longevity of this neighborhood. Commissioner Nelsen asked again if they don't feel it is because of the price of the property why there are no investors. Ms. Hammond replied in the negative.

COMMISSIONER HEITEL requested information on transition inquiring where the edge is. He stated it would seem the edge is in the middle. Ms. Hammond stated the edge condition they are referring to is the property to the north, the property to the east, across the canal, and further down Lincoln. They have to spread out to look at the edge condition. She further stated that if they drive along Cattletrack they would see deteriorating properties on both sides that need to be addressed.

Commissioner Heitel inquired if they were to approve this General Plan Amendment to increase the density on the subject properties they would then be creating movement to the east to further increase the density across and continue this transition and further erode the existing neighborhood. Ms. Hammond stated it is their opinion that this edge is already eroded.

Commissioner Heitel inquired if this could be considered self-inflicted erosion. Ms. Hammond replied in the negative.

COMMISSIONER SCHWARTZ stated for the record, he looked at these properties sometime ago and spoke with Mr. Zink about his plans to build a house or develop the site. He inquired what happened to those plans.

DIANN HENDERSON stated she owns the 2.5 acres that corner Lincoln and Cattletrack and she got involved when Mr. Zink presented his plans to build homes on the one-acre parcels. She further stated he was proposing to build two-story 7,500 square foot homes and it did not fit into their neighborhood. She reported that she called Mr. Zink and it was her idea to rezone so they could do something charming with that corner and call it Cattletrack Ranch. She further reported that the house on the corner needs to be torn down noting it was built in 1936.

COMMISSIONER BARNETT stated there were other plans for building bigger houses but Ms. Henderson did not like those plans so the reinvestment argument is not valid.

Mr. Barnett asked if there were reinvestment opportunities, just not how she desired. Ms. Henderson replied in the affirmative stating the developers of the properties in the neighborhood wanted to put large homes on the property and she felt it would not fit with their neighborhood and would not maintain the rural character.

Commissioner Barnett stated the other day when he was driving around he noticed on one or two streets to the west there were three new homes going on three one acre lots. He inquired if that would not be considered redevelopment. Ms. Henderson replied in the affirmative. Commissioner Barnett noted that less than a mile away from this property on Lincoln that front onto Lincoln are very large homes that face heavy traffic and don't seem to have a problem with reinvestment. Ms. Henderson stated the problem with the houses on 64th Street on Lincoln the individual homes have put up walls and walled Lincoln and she wants to keep a rural look.

Commissioner Barnett stated their second main argument is traffic noting there are other ways to address traffic such as putting in speed bumps making cu-de-sacs or hard scaping. Ms. Henderson stated the traffic is a big problem and for years, they have wanted to put in speed bumps but that is a difficult process. She discussed some other options that have been explored.

COMMISSIONER SCHWARTZ stated he thought it would be helpful to see a site plan of what is proposed to give them a visual tool to look at.

Commissioner Schwartz stated in response to the issue of large homes on one-acre lots, it would be his preference if he lived in a neighborhood like this to have larger homes because it would increase the value of his home. Ms. Henderson stated she would agree but it does not fit the character of their neighborhood.

Commissioner Schwartz inquired if this site plan has a wall around the perimeter. Ms. Hammond replied there would be a partial wall.

VICE CHAIRMAN STEINBERG stated that with the rezoning they would be allowed eight dwelling units per acre. He inquired if that was their intention. Ms. Hammond replied they are not allowed to go that high. The General Plan designation for suburban is two to eight but they are not allowed to do eight unless they rezone the district. They are proposing R1-18 PRD, which allows two dwelling units.

(VICE CHAIRMAN STEINBERG OPENED PUBLIC TESTIMONY.)

PATRICK CAIMARI, 7442 E. Century Drive in Su Casa, spoke in opposition to this request. He stated he and another neighbor collected the majority of signatures in Su Casa to not change their CC&Rs that clearly stated that the density may not exceed one house per acre. He reported this is the biggest investment in his life and he does not want it changed. All of the neighbors that have lived there for years feel the same way. He further reported that there are million dollar homes right down on Lincoln. He remarked the traffic is getting a little crazy, but that there are measures that can be taken such as blockades to prevent the through traffic. He remarked he felt larger homes being built would increase the value of his home. He further remarked he moved into a rural community and he does not want to see it ruined by becoming denser. He

concluded that he did not think that because one man spent too much on a parcel of land they need to make him good.

DOUG WATTIER, 7502 E. Berridge Lane, spoke in opposition to this request. He stated that everyone who lives in the neighborhood comments on the calm atmosphere and his fear is that if they increase the density it could be like cancer coming into their neighborhood and would expand because the property is valuable. He further stated he felt the reason they could not sell their property is because of the price. He concluded he would like to see the atmosphere of the community maintained.

AMY LOFGREN, 7422 E. Berridge Lane, spoke in opposition to this request. She stated that she and her husband just moved into this neighborhood a week ago and were informed by their neighbors of what was going on. She further stated they spent more on their home than they wanted to because of how special this neighborhood is. They live on 2.4 acres and they would never imagine dividing it up and putting more homes on it for money. It is one of the last great neighborhoods left in Scottsdale.

NILS LOFGREN, 7422 E. Berridge Lane, spoke in opposition to this request. He stated he has been in the Valley nine years, his wife has been here 20 years, and the things they loved about the Valley are gone. He further stated he would agree with the gentleman who referred to density as being a cancer he could not agree more. He noted he travels all around the world and there are very few rural communities left. He concluded they need to preserve the integrity of the few rural pockets that are left in the city.

ALLAN BONE, 7512 E. Berridge Lane, spoke in opposition to this request. He stated he did not know his rural neighborhood needed so much transition and stabilization. He further stated the reason they moved into the neighborhood is because it is a rural setting within a large city. He commented he has heard a lot about not being able to attract investment in the area it seems that working within the confines there is quite a bit that can be done. He further stated he felt that by adding density it would only add to the traffic problems. He remarked he would encourage them to come into their neighborhood and look because it is the last oasis within the city. He concluded he did not think they should change the rules for a few.

LILLIAN LEFFMANN, 7502 E. Berridge Lane, spoke in opposition to this request. She stated regarding the properties to the east between Cattletrack and the canal the argument was raised that this is run down and something needs to be done. Anytime anyone looked at this land to buy it the asking prices was higher than the rest of the properties. She noted lovely houses could be built on the canal and they should not spoil it by using higher densities.

BARBARA MORGENSTERN, 7426 E. Berridge Lane, spoke in opposition to this request. She stated she has lived in her home for 30 years. She further stated she would agree with everything that has been said. This neighborhood is wonderful and they want to keep it the same. It can be developed beautifully and kept rural without changing the density.

JOHN HINK, 6301 N. 75th Street, stated he comes from a different situation, and he lives adjacent to the property and is neutral about the situation. He further stated his concern is that he does not want a two-story house behind him that looks into this backyard. He would like to see a height restriction and he does not want to see a perimeter wall. He noted that the house behind him has been vacant for two years and has a empty pool and he has asked Mr. Zink to secure the property because it is a hazard.

HARRY JUPIN, 7437 E. Berridge Lane, spoke in opposition to this request. He stated he had several issues with this application and in his opinion it is inappropriate to rezone and grant a General Plan amendment in such a small area of land to benefit a small group of people without considering the negative impact on the surrounding areas. He commented he cannot understand how changing the zoning to increase the density would increase the open space. In addition, they are already talking about the rezoning on Cattletrack for the Ellis property that would increase the traffic. He further stated the traffic is horrific but there are ways to address it.

JOHN THOMAS, 7500 E. Lincoln Drive, spoke in support of this request. He stated his family has lived in their house since 1967 and has seen the area change quite a bit. He further stated he trusts Diann Henderson to make this a good looking project and fit in with the community. He reported he would support the project. He further reported that he felt it would be an improvement to the neighborhood. These old houses need to be torn down and replaced with something new.

(VICE CHAIRMAN STEINBERG CLOSED PUBLIC TESTIMONY.)

VICE CHAIRMAN STEINBERG requested staff to advise the public about the protocol for resolving the traffic issues in this area. Mr. Jones stated these issues could be addressed through the Transportation Department that has staff that handles these types of problems.

COMMISSIONER HEITEL stated he has been though this neighborhood and felt it was a very unique area in the city reminiscent of many areas that have been lost. He further stated he felt it would be reprehensible for the city to participate in diminishing one small pocket left of nice homes that might be functionally obsolescent because they were built in a different era but clearly attractive to a lot of people. He remarked he sees no reason to encourage the further diminution of that area. He further remarked the city does have a neighborhood character process that could help them to define the character of this special neighborhood.

COMMISSIONER NELSEN commented the only thing that he sees wrong with this neighborhood is what has been allowed and encouraged to happen around it. He further commented he would also encourage them to look at seeing if they can get the area designated as a character area noting that some of them might not live to see it done. He reported that he has spent 20 years getting what amounts to an ordinance level character plan. A lot of the comments he has heard are the same comments he has heard from any place fighting for rural character. It is a tough battle. He concluded unless he sees some redeeming community wide benefits to this zoning request because it has some issues.

COMMISSIONER BARNETT stated he would second the comments that have been made. He further stated part of the General Plan was set up in an effort to protect neighborhoods. He remarked he lives in a neighborhood almost identical to this neighborhood and his neighborhood is going through a transition where some of the houses are being fixed up and some houses are being torn down. He further remarked he does not see a reason for this neighborhood to become denser. This is a great neighborhood and a lot of people want to live in this neighborhood. This seems to be more a question of economics and timing on the economics. If they want more money, they can wait around for it. He concluded he does not see any reason to move forward with this process.

COMMISSIONER SCHWARTZ stated he drives this street daily because his office is on 75th Street and McDonald so he understands the issue of traffic. He further stated it is hard to imagine anything else than homes fronting Cattletrack. He remarked there are speed problems in all of the neighborhoods and they need to address that themselves regarding how they can drive safely in their own community. He commented he was always challenged when he looked at this site to see how it fit into the big picture of the surrounding area. When you are developing a piece of property, you have to look from the outside in. He noted he is not opposed to adding a number of units to a property. This plan is not symbolic of what the rest of the community is. He further noted he would hope the applicant would have some further discussion with the neighborhood and he would suggest the applicant spend more time with the neighbors to come up with a win/win for everybody.

VICE CHAIRMAN STEINBERG stated this is an oasis within Scottsdale. He further stated he felt they need to protect their oases. He remarked old is not bad. He further remarked he comes from New York and he use to renovate stuff that people paid millions of dollars for and they wanted it to look as old as possible. He further noted he sees this area as being pristine in the desert. He remarked the traffic issues have to be resolved so he would suggest the citizens' approach the city and see what can be done. He commented he could not support this application. There are other ways to site the homes on Cattletrack so that it is conducive to the value of the real estate. There are other ways to do it other than by increasing the density by two times.

3-GP-2003 (Sheegl/Thomas Property) request by Tornow Design Associates, applicant, Winstar Pro LLC & John Thomas, owners, for a General Plan Amendment from Cultural/Institutional to Employment on a 10 +/- acre parcel located west of Thompson Peak, south of McDowell Mountain Ranch Road.

MS. HUIH presented the General Plan Amendment portion of the case in fulfillment of the State legislation for remote hearings. The second Planning Commission hearing for this application is scheduled for September 10, 2003. There will be no Commission action taken on this item.

JOHN ROONEY, Beus, Gilbert, stated they represent the five of the 10 acres. The five acres that are further to the west. He further stated the proposed amendment is for the Land Use Element from a Cultural/Institutional designation to an Employment designation. The best way to characterize this use is as a buffer zone between some of what is going to happen at WestWorld and its expanded facility. The best way to

describe the project would be as a garden office that will provide a buffer. He remarked there is a concurrent zoning case that is going a long and there will be amended development standards that would restrict what can go on the property and will fit in with the general character.

MICHELLE HAMMOND, Earl, Curley & Lagarde, 3101 N. Central Avenue, Phoenix, AZ, stated they represent the Thomas's which is the eastern four acres. She further stated they do not have anything to add to John's presentation but would be happy to answer any questions.

COMMISSIONER HEITEL stated this designation does allow more industrial incubator looking kind of space and that is what he sees depicted rather than the garden office he had envisioned. Mr. Rooney stated they recognize his concern that the industrial category allows for uses that would not fit into the character of the neighborhood. In that regard, they are entering stipulations, development agreement that would limit some of the more obnoxious use that would be a detriment to the neighborhoods.

Commissioner Heitel inquired if the development agreement or stipulations would come before the Commission later if this was approved. Ms. Boomsma stated the specific zoning is what they would be allowed to build on the property. She further stated she was not aware of a development agreement. Mr. Rooney stated he used the term development agreement more loosely than he had intended. It is really going to be stipulations attached to the zoning case that is on the September 10th agenda. Mr. Jones stated he would like to clarify they have not received a development agreement on this property. He further stated what he felt the applicant was referring to was private CC&Rs that would be placed on the case. Commissioner Heitel inquired if the city has any authority over private CC&Rs. Mr. Jones replied the city does not have any authority.

Commissioner Heitel inquired how could they ensure that those uses would not occur. Mr. Rooney stated they could stipulate that as part of the zoning case that they have to enter CC&Rs that would limit certain uses. Ms. Boomsma stated she felt there needed to be additional discussion regarding the role of limiting uses through stipulations. There maybe a redevelopment agreement that needs to be negotiated prior to the Planning Commission meeting.

COMMISSIONER NELSEN stated he was quite alarmed at the conceptual renderings for the type of product that was being proposed. He further stated he would suggest a more inspirational design.

COMMISSIONER BARNETT inquired with regard to the cultural designation for the land use, if they exchange the cultural designation on this property does that preclude the city or another developer from coming in and not being able to develop other cultural type uses. Mr. Jones stated the underlying zoning is what is prohibiting any cultural uses because it is zoned single family residential. If someone wanted to do any type of cultural uses, they would have to rezone to accomplish it.

WRITTEN COMMUNICATION

There was no written communication.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission was adjourned at 6:30 p.m.

Respectfully Submitted,

"For the Record " Court Reporters